IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Michael Burr et al. Application number: 10/711,583 Filed: September 27, 2004 For: *System and Method for Assigning Unique* *Identifiers to Programs Executing on Computers* Attorney Docket No.: 2006579-0231 (CTX-093)	Art Unit: 2442 Confirmation No.: 5582 Examiner: Harrell, Robert B.

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Responsive to the Non-Final Office Action mailed on March 24, 2010, and accompanying a Notice of Appeal to the Board of Appeals and Interferences in the United States Patent and Trademark Office appealing the rejection of Claims 1, 2, 4-17, 19, 20, 22, 31, 32, 34-47, 49, 50 and 52 in the above-referenced case. Applicants request that a pre-appeal brief review be conducted and that consideration be given to the following remarks pursuant to the July 12, 2005, Official Gazette Notice titled "New Pre-Appeal Brief Conference Pilot Program."

Remarks/Arguments begin on page 2 of this paper.

<h1 style="text-align:center">REMARKS/ARGUMENTS</h1>

Applicants respectfully submit that the Examiner's rejections and objections contain clear error. Claims 1, 2, 4-17, 19, 20, 22, 31, 32, 34-47, 49, 50 and 52 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2005/0097179 to Orme (hereinafter "Orme.") The title has been objected to. Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are pending of which Claims 1 and 31 are independent

I. Present Title is Brief, Technically Accurate and Descriptive

The Examiner's objection of the title fails to consider the title requirements listed in MPEP § 606 which states that the title need only be "brief but technically accurate and descriptive." The present title *System and Method for Assigning Unique Identifiers to Programs Executing on Computers*, accurately describes the invention. What is more, the Examiner's proposed title, e.g. *System and Method for Assigning Unique Identifiers to **Each Program** Executing on Computers*, does not significantly depart from the present title such that the proposed title is more accurate or descriptive.

As stated in the Office Action Response filed on March 16, 2010, Applicants thank the Examiner for his suggestion but submit that the present title complies with all required formalities. Applicants kindly request that the Examiner withdraw this objection.

II. Orme Fails to Disclose the Elements: selecting from a plurality of network identifiers allocated to a user; and assigning a selected network identifier of a user to a program invoked by that user

A. Orme Fails to Disclose Selecting from a Plurality of Network Identifiers Allocated to a User

Applicants respectfully submit that the Examiner's assertion that Orme teaches the limitation of selecting a first and second network identifier from a plurality of network identifiers allocated to a user, contains clear error.

Firstly, Orme merely describes assigning IP addresses from a group of IP addresses to only programs and code segments. *See* Orme, para. 920-21. As stated in the response filed on

U.S.S.N.: 10/711,583   Page 2 of 4   Atty. Docket No.: 2006579-0231
Client Ref. No. CTX-093

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March 16, 2010, and reiterated here with emphasis, **NONE** of these groups of IP addresses are allocated to a user and then assigned to a program. In fact, Orme never even suggests that the IP addresses within the above-mentioned groups are allocated to any entity, much less a user, before the IP address is assigned to a program or code segment.

The Examiner's logic that because Orme describes at least two sections of code or programs, the "user must been [sic] allocated at least two IP addresses to choose from when assigning one IP address to one section of code, program, and another different IP address to the other section of code, program," is flawed. This logic presumes that the IP addresses were allocated to a user, and that a user selected the IP addresses from a group of allocated IP addresses. In fact, all Orme describes is assigning an IP address to sections of code or programs. Orme is entirely silent as to what or who assigns the IP addresses, and more importantly never teaches or suggests that the IP addresses are allocated to a user. The Examiner merely concludes that the IP addresses are allocated to a user because they are assigned to a section of code or program. In support of this conclusion, the Examiner failed to present any facts other than paragraph 942 which only describes a first code segment having a first IP address and a second code segment having a second IP address. No other sections of Orme support the Examiner's conclusion, thus the Examiner fails to demonstrate how Orme can disclose selecting from a plurality of network identifiers allocated to a user.

B. Orme Fails to Disclose Assigning a Selected Network Identifier of a User to a Program Invoked by that User

Applicants respectfully submit that the Examiner's assertion that Orme teaches assigning a selected network identifier of a user to a program invoked by that user, contains clear error.

As argued above, at no point does Orme disclose, teach or suggest allocating a network identifier to a user. The Examiner's logic that because Orme describes a user that uses the computer, Orme necessarily describes a user that is allocated an IP address, a user that selects an IP address, and a user that assigns the IP address to a program invoked by the user, is flawed. This conclusory statement hinges on Orme's description of how users who are signed onto a network can access certain data, and Orme's description of assigning an IP address to a program. *See* Orme, para. 920-21, and 928. Orme never describes an IP address allocated to a user, Orme

is entirely silent as to who or what assigns the IP address to the program, and Orme never describes a user invoking a program. Applicants respectfully submit that the Examiner has failed to present any facts to support his conclusion. No other sections of Orme support the Examiner's conclusion, thus the Examiner fails to demonstrate how Orme can disclose assigning a selected network identifier of a user to a program invoked by that user.

III. _Conclusion_

Applicants respectfully submit that the above-remarks demonstrate that Claims 1, 2, 4-17, 19, 20, 22, 31, 32, 34-47, 49, 50 and 52 are patentable over all cited art and despite the Examiner's objections. Accordingly, Applicants urge the Examiner to withdraw all rejections and objections, and pass the claims to issuance.

Respectfully submitted,
CHOATE, HALL & STEWART LLP

Date: July 26, 2010

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